

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

NEXPOINT ADVISORS, L.P., JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3005

Case No. 3:21-cv-00880-C

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3006

Case No. 3:21-cv-01378-N

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HCRE PARTNERS, LLC (n/k/a NexPoint
Real Estate Partners, LLC), JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-3007

Case No. 3:21-cv-01379-X

**DECLARATION OF JOHN A. MORRIS IN SUPPORT OF PLAINTIFF'S OMNIBUS
MOTION (A) TO STRIKE CERTAIN DOCUMENTS AND ARGUMENTS FROM
THE RECORD, (B) FOR SANCTIONS, AND (C) FOR AN ORDER OF CONTEMPT**

I, John A. Morris, pursuant to 28 U.S.C. § 1746, under penalty of perjury, declare as follows:

1. I am an attorney in the law firm of Pachulski, Stang, Ziehl & Jones LLP, counsel to Highland Capital Management, L.P., the reorganized debtor in the above-captioned chapter 11 case and plaintiff in the above-referenced adversary proceedings, and I submit this Declaration in support of *Plaintiff's Omnibus Motion (A) to Strike Certain Documents and Arguments from the Record, (B) for Sanctions, and (C) for an Order of Contempt* (the "Motion"). I submit this Declaration based on my personal knowledge and review of the documents listed below.

2. Attached as Exhibit 1 is a true and correct copy of excerpts of *Defendants' Memorandum of Law in Response to Plaintiff's Motion for Partial Summary Judgment (Adv. Pro. No. 21-3003, Docket No. 154)* showing the portions subject to the Motion.

3. Attached as Exhibit 2 is a true and correct copy of *Defendants' Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment (Adv. Pro. No. 21-3004, Docket No. 127)* showing highlighted portions subject to the Motion.

4. Attached as Exhibit 3 is a true and correct copy of the *Order Approving Stipulation and Agreed Order Governing Discovery and Other Pre-Trial Issues (Adv. Pro. No. 21-3005, Docket No. 70)*.

5. Attached as Exhibit 4 is a true and correct copy of the *Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines (Adv. Pro. No. 21-3005, Docket No. 138)*.

6. Attached as Exhibit 5 is a true and correct copy of the *Brief in Support of Objection of NexPoint Advisors, L.P. to Order Denying Motions to Extend Expert Disclosure*

and Discovery Deadlines (Case No. 3:21-cv-00880-X, Docket No. 22 (N.D. Tex. Jan. 5, 2022)).

7. Attached as **Exhibit 6** is a true and correct copy of *Highland Capital Management, L.P.'s Brief in Support of its Objection and Response to Objections to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines (Case No. 3:21-cv-00881-X, Docket No. 38 (N.D. Tex. Jan. 31, 2022))*.

8. Attached as **Exhibit 7** is a true and correct copy of the transcript of the hearing held on January 10, 2022 (**Adv. Pro. No. 21-3004**).

9. Attached as **Exhibit 8** is a true and correct copy of the *Order Denying Defendant's Second Motion for Leave to Amend Answer (Adv. Pro. No. 21-3004, Docket No. 123)*.

10. Attached as **Exhibit 9** is a true and correct copy of an e-mail string between myself and various counsel regarding our intent to file a motion for contempt.

Dated: February 7, 2022

/s/ John A. Morris
John A. Morris